

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2003-161-C - ORDER NO. 2003-339 ✓ *HT*

MAY 23, 2003

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Inc. for Review of NXX Code Denial in the)	NANPA DECISION
Mt. Pleasant Rate Center)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Review of the denial by the North American Numbering Plan Administration (NANPA) of BellSouth Telecommunications, Inc.'s (BellSouth's or the Company's) application for use of central office code numbering resources in the 843 area code.

The Federal Communications Commission (FCC) has set a "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must establish that existing inventory within the carrier's rate center will be exhausted within six months of their code application (months-to-exhaust or MTE), and the carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources.

On or about April 9, 2003, according to BellSouth, the Company submitted a Pooling Administration System request for Thousand Number Block Relief for the assignment of several number blocks in the Mt. Pleasant exchange needed to meet the numbering demands of two customers, Blackbaud and Modulant. Both Companies, Blackbaud and Modulant, are moving to the Daniel Island area of Charleston. BellSouth

states that customer Blackbaud requires 3000 telephone numbers in the 2XXX, 3XXX, and 5XXX number block due to Blackbaud's internal switch dialing patterns and for Blackbaud's change of its overall business communications services. Blackbaud, BellSouth adds, has annual revenues of \$100 million, more than 700 employees, over 12,000 clients, and it provides expertise and state-of-the-art software, services and e-solutions to help non-profits operate more efficiently. As to BellSouth's request for its customer Modulant, BellSouth opines that Modulant will be the largest tenant in 146 Fairchild Street, Charleston, SC, Modulant's new office location, and will need 500 contiguous numbers within the 3XXX range to accommodate its current national dialing arrangement.

On April 9, 2003, BellSouth states that it completed a request for additional numbering resources to NANPA and NeuStar, the pooling administration, for assignment of additional resources. According to BellSouth, the Company's application was completed in accordance with Industry Numbering Committee's (INC's) and/or NANPA's guidelines and filled out the necessary MTE Certification Worksheets. At the time of the filing of the code request, the BellSouth Mt. Pleasant Rate Center had a MTE of 16.16 months and a utilization of 76.946%.

Thereafter, also on April 9, 2003, NANPA's Central Office Code Administration denied BellSouth's code request because BellSouth had not met the rate center based MTE criterion now set forth in the Central Office Code (NXX) Guidelines. The Company notes that NANPA denied BellSouth's code requests, despite the fact that BellSouth does

not have adequate numbering resources needed to satisfy its customer's demands in the Mt. Pleasant switch.

BellSouth states that its inability to provide these important customers with the requested numbers prevents BellSouth from providing the quality of service these customers desire, need, and expect. BellSouth notes that if it is not assigned the two NXX codes needed to meet the customers' requests, BellSouth will be unable to provide telecommunications services requested by these customers. Further, according to BellSouth, NANPA's refusal to grant numbering resources sufficient to meet Blackbaud's and Modulant's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61.

According to BellSouth, both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. Prior to the FCC's Order and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under today's procedures, NANPA looks at MTE for the entire rate center without any exceptions. The FCC has

determined, however, that States may grant relief “if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory.” FCC 01-362, Paragraph 64. In addition, the FCC has ruled that, “States...may grant requests for customers seeking contiguous block of numbers.” Id.

BellSouth therefore requests that this Commission reverse NANPA’s decision to withhold numbering resources from the Company on several grounds. First, BellSouth notes that NANPA’s decision to withhold numbering resources from BellSouth interferes with BellSouth’s ability to provide telecommunication services to its customers as required under South Carolina law. Second, BellSouth states that its request for numbering resources would not materially impact exhaustion of the remaining 216 available NXXs in the 843 area code. Lastly, BellSouth states that other state regulatory agencies in Alabama, Florida, Georgia, Louisiana, North Carolina, and Tennessee similarly have recognized their jurisdiction and authority to review NANPA denials and to order the release of number resources to BellSouth to meet customer needs. Specifically, BellSouth requests that this Commission reverse the decision of NANPA denying BellSouth’s request for additional numbering resources and direct NANPA to provide the two requested central office codes for the Mt. Pleasant switch.

We agree with BellSouth and hereby reverse NANPA’s decision. We hold that BellSouth has demonstrated that it has received two customers’ requests for numbering resources in a given rate center that BellSouth cannot meet with its current inventory. NANPA is hereby directed to approve BellSouth’s code assignment request originally

MAY 23, 2003

PAGE 5

submitted on or about April 9, 2003 for the assignment of NXX codes in the Mt. Pleasant exchange needed to meet the number demands of Blackbaud's and Modulant's moves to the Daniel Island area of Charleston. We believe that the additional numbering resources are necessary to meet the legitimate demands of BellSouth's customers for telecommunications service. Further, it should be noted that these requests would not materially impact exhaustion of the remaining 216 available NXXs in the 843 area code.

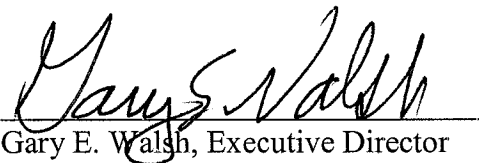
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)